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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Eric D. Anderson

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EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2143

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/943,894	Applicant(s) ANDERSON, ERIC D.	
	Examiner DAVID E. ENGLAND	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 15 – 22, 37, 39, 41, 43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 15 – 22, 37, 39, 41, 43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 11, 15 – 22, 37, 39, 41, 43 and 45 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 11, 17, 18, 20, 22, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (5941946) (hereinafter Baldwin) in view of Aronson et al. (6654787) (hereinafter Aronson) in further view of Hammond (6854007).**

4. As per claim 11, as closely interpreted by the Examiner, Baldwin teaches a computer-implemented method for sending an Email communication to recipients, the method comprising:
 5. providing an Email communication program on a server that performs the acts of:
 6. receiving an Email communication, including an indication of at least one recipient to receive the Email communication, (e.g., col. 3, lines 25 – 40);
 7. determining by the Email communication program, whether multiple recipients of the Email communication have been indicated in the received indication, (e.g., col. 3, lines 25 – 40);
- and

Art Unit: 2154

8. if it is determined that multiple recipients have been indicated,
9. notifying each of the multiple recipients of the Email communication without sending the Email communication to the recipients, (e.g., col. 3, lines 25 – 63); and
10. in response to a request for the Email communication from a recipient, sending the Email communication to the recipient, (e.g., col. 5, lines 49 – 56);
11. determined that multiple recipients have not been indicated, (e.g., col. 3, lines 25 – 63 & col. 5, lines 49 – 56).
12. Baldwin does not specifically teach storing a single copy of the Email communication on the server;
13. saving the Email communication on the server if any one of the recipients indicate it is to be saved; and
14. when it is determined that the Email communication has been sent and accessed by all of the recipients, deleting the stored Email communication on the server by the Email communication program if none of the recipients indicate it is to be saved;
15. if it is determined that multiple recipients have not been indicated,
16. sending the Email communication to the recipient without waiting for a request for the Email communication.
17. Aronson teaches receiving an Email communication, including an indication of at least one recipient to receive the Email communication, (e.g. col. 5, lines 20 – 67 & col. 10, line 65 – col. 11, line 5);
18. storing a single copy of the Email communication on the, (e.g. col. 5, lines 20 – 67 & col. 10, line 65 – col. 11, line 5);

19. if it is determined that multiple recipients have not been indicated,
20. sending the Email communication to the recipient without waiting for a request for the Email communication, (e.g., col. 8, lines 17 – 64).
21. It would have been obvious to one skilled in the art at the time the invention was made to combine Aronson with Baldwin because storing only one copy of a message in a server or directly sending the message to a user conserves significant memory space.
22. Hammond teaches saving the Email communication on the server if any one of the recipients indicate it is to be saved, (e.g., col. 5, lines 1 – 44, col. 8, lines 29 – 45, If all but one user wishes to save the email then the email would be saved since it states that all recipients have to indicate it to be deleted.); and
23. when it is determined that the Email communication has been sent and accessed by all of the recipients, deleting the stored Email communication on the server by the Email communication program if none of the recipients indicate it is to be saved, (e.g., col. 8, lines 29 – 45). It would have been obvious to one skilled in the art at the time the invention was made to combine Hammond with the combine inventions of Baldwin and Aronson because determining when all users have no more use for the Email communication allows the system to indicate when it is safe to delete the message from the server.
24. As per claim 17, as closely interpreted by the Examiner, Baldwin teaches wherein the notifying of a recipient of the Email communication involves sending a distinct indicator Email communication to the recipient by the Email communication program, (e.g. col. 5, lines 16 – 48).

25. As per claim 18, as closely interpreted by the Examiner, Baldwin teaches including retrieving notifying instructions for a recipient by the Email communication program, and wherein the notifying of the recipient is performed according to the notifying instructions, (e.g. col. 5, lines 16 – 48).

26. As per claim 20, as closely interpreted by the Examiner, Baldwin teaches wherein the notifying instructions are supplied by the recipient, (e.g. col. 5, lines 16 – 48).

27. As per claim 22, as closely interpreted by the Examiner, Baldwin teaches wherein the notifying instructions indicate that the notifying is to be performed in an encrypted manner, (e.g. col. 9, line 60 – col. 10, line 14).

28. Claims 37 and 41 are rejected for similar reasons as stated above.

29. Claims 16, 19, 21, 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin, Aronson and Hammond in further view of Arnold (6275848).

30. As per claim 16, as closely interpreted by the Examiner, Baldwin and Aronson do not specifically teach determining a period of time for which the Email communication will be stored; and

31. when the determined period of time has expired, deleting the stored Email communication by the Email communication program. Arnold teaches determining a period of time for which the Email communication will be stored, (e.g. col. 4, line 25 – col. 5, line 25); and

32. when the determined period of time has expired, deleting the stored Email communication by the Email communication program, (e.g. col. 4, line 25 – col. 5, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold with the combine system of Baldwin, Aronson and Hammond because of reasons disclosed above, furthermore, if a user has information that is forgotten for a period of time, the system could delete this information, therefore freeing up space in memory.

33. As per claim 19, as closely interpreted by the Examiner, Baldwin, Aronson and Hammond do not specifically teach wherein the notifying instructions are supplied by a sender of the Email communication. Arnold teaches wherein the notifying instructions are supplied by a sender of the Email communication, (e.g. col. 4, line 25 – col. 5, line 25). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold with the combine inventions of Baldwin, Aronson and Hammond because if the sender needed specific functions to be carried out with the Email communication it would be more efficient for a system to have the sender send instructions to a Email server to only allow specific recipients in a group to access the Email communication, delete the Email at a specific time, automatically send the Email to recipients at a specified time, etc.

34. As per claim 21, as closely interpreted by the Examiner, Baldwin, Aronson and Hammond do not specifically teach wherein the notifying instructions are determined automatically by the Email communication program based on past interactions with the recipient. Arnold teaches wherein the notifying instructions are determined automatically by the Email communication program based on past interactions with the recipient, (e.g. col. 5, line 25 – col. 6, line 49). It would have been obvious to one skilled in the art at the time the invention was made to combine Arnold with Baldwin, Aronson and Hammond because it is a more efficient way to have a Email communication dealt with, therefore saving time on the users side.

35. Claims 39 and 43 are rejected for similar reasons as stated above.

36. Claims 15, 40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin, Aronson, Hammond and Arnold in further view of Foladare et al. (6311210) (hereinafter Foladare).

37. As per claim 15, as closely interpreted by the Examiner, Baldwin, Aronson, Hammond and Arnold teach all that is similar in nature and found in claim 11 which can be applied herein out but they do not specifically teach when it is determined that the Email communication has been sent to all of the recipients and that all of the recipients have indicated that the Email communication can be deleted, deleting the stored Email communication by the Email communication program. Foladare teaches when it is determined that the Email communication has been sent to all of the recipients and that all of the recipients have indicated that the Email

Art Unit: 2154

communication can be deleted, deleting the stored Email communication by the Email communication program, (e.g. col. 3, line 55 – col. 4, line 15). It would have been obvious to one skilled in the art at the time the invention was made to combine Foladare with the combined system of Baldwin, Aronson, Hammond and Arnold because in case a user makes the mistake of deleting information or is unsure if the information selected for deletion is correct, the system would have to have permission to delete the information. This could be used in a form of error checking.

38. Claims 40 and 45 are rejected for similar reasons as stated above.

Response to Arguments

39. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.

40. In the Remarks, Applicant argues in substance that the prior art of Baldwin, Aronson, Arnold and Foladare does not teach or disclose, saving the Email communication on the server if any one of the recipients indicate it is to be saved, and when it is determined that the Email communication has been sent and accessed by all of the recipients, deleting the stored Email communication on the server by the Email communication program if none of the recipients indicate it is to be saved, as amended in the claims.

41. As to the first Remark, Examiner would like to specifically point out that **Hammond** was used in teaching this limitation as seen above in the rejection, not the other cited prior art. In the

cited areas of Hammond it is clear that once all recipients indicate the message to be deleted it is deleted.

42. All other remarks argue the same point as described above and therefore are still rejected for similar reasons stated above.

Conclusion

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
Art Unit 2143

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